



IPW

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hiroyuki HARA

Group Art Unit: 2858

Application No.: 10/808,523

Examiner: M. Kramskaya

Filed: March 25, 2004

Docket No.: 119243

For: CAPACITANCE DETECTION DEVICE AND DRIVE METHOD THEREOF,  
FINGERPRINT SENSOR, AND BIOMETRICS AUTHENTICATION DEVICE

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the March 30, 2005 Restriction Requirement, Applicant provisionally elects Group I, claims 1-11, with traverse.

The Office Action asserts that Inventions I and II are related as a combination and subcombination. This is not correct. As explained in MPEP §806.05(a), "[a] combination is an organization of which a subcombination or element is a part" (emphasis added).

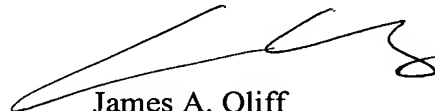
"Invention I" relates to an apparatus, and "Invention II" relates to a method. It is improper to characterize an apparatus as part of a method, or vice versa. Thus, MPEP §806.05 (a) is clearly inapplicable to this application.

It is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: April 21, 2005

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